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16 IN THE UNITED STATES DISTRICT COURT
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18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 SAN JOSE DIVISION

20 *E-FILED - 7/12/06*

21 UNITED STATES OF AMERICA,) No. CR 06-00039 RMW
22 Plaintiff,)
23 v.)
24 JAMES CORNELIUS KASEY,)
25 Defendant.)
26

**STIPULATION AND []
ORDER TO CONTINUE STATUS DATE**

27 Assistant United States Attorney Susan Knight and defendant, James Kasey, through his
28 counsel, Assistant Federal Public Defender Angela M. Hansen, stipulate and agree that the status
29 date in the above-captioned matter, presently scheduled for Monday, July 17, 2006, at 9:00 a.m.,
30 should be continued so that defense counsel can file a motion to dismiss the Indictment based on
31 the defendant's belief that the Indictment charges the same offense in multiple counts. The
32 parties further request that the Court set this matter on its October 10, 2006 calendar for a motion
33 hearing.

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The parties propose the following briefing schedule for defendant's motion:

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August 21, 2006 – Defendant's Opening Motion
September 18, 2006 – Government's Response Brief
September 25, 2006 – Defendant's Reply Brief

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The parties further stipulate and agree that the status date should be continued because
counsel for Mr. Kasey needs additional time to review voluminous records in this case, some of

1 which need to be copied and produced to the defense.

2 Finally, the parties agree that under 18 U.S.C §§ 3161(h)(1)(F) and (h)(8)(A) and (B)(iv),
3 the ends of justice served by the continuance requested outweigh the best interest of the
4 defendant and public in a speedy trial because, taking into account the exercise of due diligence,
5 the failure to grant such a continuance would unreasonably deny Mr. Kasey the time necessary
6 for effective preparation and to prepare his pretrial motion.

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8 Dated: July 11, 2006

/s/
ANGELA M. HANSEN
Assistant Federal Public Defender

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11 Dated: July 11, 2006

/s/
SUSAN KNIGHT
Assistant United States Attorney

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

The parties have jointly requested to continue the status date set for July 17, 2006 to October 10, 2006 at 9:00 a.m., GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date presently set for July 17, 2006 is continued to Tuesday, October 10, 2006, at 9:00 a.m., and briefing on Defendant's motion to dismiss will be set as follows:

August 21, 2006 – Defendant’s Opening Motion
September 18, 2006 – Government’s Response Brief
September 25, 2006 – Defendant’s Reply Brief, if any

IT IS FURTHER ORDERED that the period of time from July 17, 2006 through October 10, 2006, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C §§ 3161(h)(1)(F) and (h)(8)(A) and (B)(iv).

Dated: July 12, 2006

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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